



STATE OF DELAWARE

**PUBLIC SERVICE COMMISSION**

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February 5, 2015

**MEMORANDUM**

TO: The Chair and Members of the Commission

FROM: Toni Loper, Public Utility Analyst 

SUBJECT: IN THE MATTER OF THE APPLICATION OF PROGRESSIVE ENERGY CONSULTANTS, LLC FOR  
A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF  
DELAWARE (FILED JANUARY 9, 2015) - PSC DOCKET No. 15-0634

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**Background**

On January 9, 2015, Progressive Energy Consultants, LLC (the "Company") filed an application (the "Application") with the Delaware Public Service Commission ("Commission") for an Electric Supplier Certificate ("ESC") to act as a Broker in the State of Delaware pursuant to §1012 of the Electric Utility Restructuring Act of 1999, 26 *Del. C.* §1001 - §1020 (the "Act") and 26 *Del. Admin. C.* §3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules").<sup>1</sup> The Application met all minimum filing requirements (MFRs).

**Review and Analysis**

**Authority to do Business in Delaware**

The Company is Limited Liability Corporation formed under the laws of the State of Florida. The Applicant has provided proof issued by the Delaware Secretary of State that it is legally authorized and qualified to do business in the State of Delaware.

**Resident Agent**

The Company lists Northwest Registered Agent Service, Inc. based in Wilmington, DE as its Resident Agent.

**Compliance with Regional Requirements**

The Company affirms in its Application that it will only present electricity supply contracts to its customers from Marketers/Electric Suppliers who are in compliance with all applicable PJM requirements.

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<sup>1</sup> Unless otherwise noted, all references to capitalized terms are set forth in the Act and/or the Supplier Rules.

#### Financial, Operational, Managerial and Technical Ability

The Company provided the financial statements as indicia of financial capability under Section 2.1.1.5.1 of the Supplier Rules. Staff believes that the confidential financial statements show substantial evidence of the Applicant's ability to provide services as a Broker in the State of Delaware.

The Company anticipates acting as a Broker serving residential, small commercial, large commercial and industrial customers for the sale or purchase of electricity throughout the State of Delaware. The Application states that the Company currently offers service in Illinois, Maryland, New Jersey, Ohio, and Pennsylvania. Staff has confirmed that the Company is licensed in those states. The application states that the Company has not been denied approval nor had its authority revoked by any state commission.

The Application included a summary of the key operating personnel of the Company. Ms. Deborah Joyce, President, established Progressive Energy Consultants in early 2013. The Company currently employs 10 brokers who manage approximately 581 electric customers and 87 natural gas customers. Ms. Joyce has experience hiring and training brokers, quality control of contracts, and new customer acquisitions. As a Sales Manager Ms. Joyce consistently managed a top performing team of sales representatives which led to a promotion to Director of Sales. Her work history also includes experience in marketing, merchandising, and corporate communications, management of online sales and marketing efforts, and investor relations. Staff performed an internet review of the Company and its key operating personnel. The search did not reveal any issues. Staff believes that this information shows substantial evidence of the Applicant's managerial and technical ability to provide services as a Broker in the State of Delaware.

Staff believes that the Company has demonstrated substantial evidence that its Staff has the operational, managerial and technical abilities to perform as a Broker.

#### Surety Bond

The Company did not post a surety bond because it is a Broker only and there are no service agreements between the Company and any Delaware Electric Distribution Company. The Company will not collect any fees or deposits from any of its customers for any of its brokerage services.

#### Verification of Application

The Application was verified in a signed, sworn verification letter by Ms. Deborah Joyce, President.

#### Consent to Jurisdiction

The Company consents to the jurisdiction of the Delaware courts.

#### Contracts

The Company also did not provide any sample contracts for residential, small commercial, large commercial or industrial customers because it is a Broker only and does not and will not have contracts with Retail Electric Customers to provide Electric Supply Service.

#### Statement of Criminal Activity

The Applicant stated in the application that they have not been charged or convicted of any criminal activity nor have any of its principals or corporation officers. The Applicant has no affiliated interests. An internet review of the Company and its principals revealed no outstanding issues.

**Legal Review**

On February 5, 2015, following Staff's completed review and analysis of the Application, Staff forwarded its final analysis to the assigned attorney to confirm that all required documentation requested and received from the Company was in compliance with Delaware law and the Supplier rules and regulations.

**Staff Recommendation**

Based on Staff's review of the Application, the Company has satisfied the requirements of the Act and the Supplier Rules. The Company resolved all outstanding issues with Staff and the completed application supports the Company's request for certification. Staff's review and analysis of the Application submitted by the company demonstrates substantial evidence of capability to render service based on the Company's financial, operational, managerial and technical abilities. Therefore, Staff recommends the Commission approve the Application.